

ADULT ORIENTATION CHECKLIST

Name: _____

Assignment Date: _____

Introduction to Probation _____

Risk/Supervision Level Assessment _____

Appeals/Grievance Notification _____

Conditions of Assignment (initialed and signed) _____

Drug/Alcohol Screening _____

Counseling Services _____

Payment Procedures _____

Community Service Work Procedures _____

Confidentiality Agreement _____

Firearms Restrictions _____

Defendant's Signature *Date*

Supervision Officer *Date*

INTRODUCTION TO PROBATION

DEFINITION OF PROBATION

Probation is a sentence imposed by the Court for a person that either pled guilty to a charge; or was found guilty to a charge so that they can be released into the community while under strict supervision by a person designated by the Court, Probation Officer (Court Services Officer, Supervision Officer etc...). **Probation by the Court is not considered a right; but is a privilege,** granted by the Court. It gives an offender a chance to prove one's self to the community that they can live by the standards of the community as established by their laws. The purpose of probation is to reform and rehabilitate the offender so that they will be able to live within their community without violating the standards that are established by the community. That person must first agree to the probation orders and agree to follow the probation orders as outlined by the Court. Not all criminal offenders can be granted probation. Probation is a cost-effective alternative to jail time or a prison sentence. However, if the offender does not follow the conditions of probation, the alternative is incarceration.

ENFORCING THE CONDITIONS OF SUPERVISION

This is the first priority in the hierarchy of the Probation Officer's (PO's) supervision duties. The intent is to ensure that the sentence is executed according to the law and the orders of the Court.

ADMINISTRATIVE CASELOADS

Cases that meet certain criteria may be placed in an administrative caseload with little or no direct supervision activity. The criteria for assignment to an administrative caseload are:

1. No history of violence, drug distribution, or otherwise notorious offenses;
2. No criminal case pending and no criminal convictions in the past 12 months (excluding minor traffic infractions);
3. Verified residential and domestic stability for at least 6 months;
4. Documented history of compliance with conditions of supervision including, timely submission of written monthly reports, strict adherence to fine/restitution payment schedules and community service work schedules, and completion of all special conditions for treatment, i.e., drug, alcohol, or mental health treatment.
5. No evidence of alcohol or drug abuse in the past 12 months and no current psychiatric problems noted; and
6. No third-party risk identified in the case.

A recommendation for assignment to the administrative caseload is referred to the supervisor for review and approval.

Since direct contact with these cases is limited, special care must be given to the review of Written Monthly Reports and to patterns of payments on financial obligations. Any evidence of a change in the offender's compliance with the conditions of supervision, risk to the community, or treatment needs, will require the PO's immediate attention. A criminal record check is required before termination or expiration of these cases and at the time of the status review.

EARLY TERMINATION

Early termination from supervision is recognition that the offender has achieved the objectives of supervision. Generally, an offender should have been assigned to the administrative caseload before being considered for early termination. The criteria for early termination include:

1. Law-abiding behavior;
2. Full compliance with the conditions of supervision; and
3. A responsible, productive lifestyle.

Unless otherwise directed by the Court, the PO should not request early termination unless the offender has met all the criteria for placement on the administrative caseload.

VIOLATIONS OF STANDARD CONDITIONS

The standard conditions of supervision provide the basic framework for the supervision process. Non-compliance with standard conditions must be addressed promptly, using all suitable methods to bring the offender into compliance. Immediate reporting is required whenever the violation behavior makes the offender not available for supervision or constitutes a danger to the public. In assessing danger, the PO must be mindful of the offender's past pattern of criminal activities. Prompt reporting of violations that constitute a flagrant disregard for the conditions is also required. Generally, technical violations resulting from unintentional and incidental behavior may be reported in periodic adjustment reports to the Court.

VIOLATIONS OF SPECIAL CONDITIONS

FINES

PO's have a duty to report non-compliance with an installment or payment schedule ordered by the Court. PO's should be required to notify the Court with-in 10 days of a delinquent payment. PO's should contact the offender to find out the cause of the delinquent payment and tell the offender of the possible consequences for failure to pay. PO's should review the offender's financial condition if the offender is continuously late on the payments. Revocation may occur if there is a willful failure to pay a fine.

RESTITUTION

PO's have a duty to report non-compliance with an installment or payment schedule ordered by the Court. In this latter case, the PO should report the matter to the Court as required for a fine. Again, revocation may occur if there is a willful failure to pay restitution.

COMMUNITY SERVICE

Generally, community service is performed on a scheduled basis during the period of supervision. Unless otherwise directed, community service should begin immediately upon being placed on supervision. Failure by the offender to comply with an established schedule ordered either by the Court or through the PO's instructions should be reported to the Court immediately.

OTHER SPECIAL CONDITIONS

Willful violations of the following special conditions of supervision also require an immediate report to the Court:

1. Dept obligations;
2. Access to financial information;
3. Home confinement (including curfew violations);
4. Occupational restrictions;
5. Substance abuse program participation;
6. Mental health program participation.

VIOLATIONS OF THE CONDITIONS TO OBEY ALL LAWS

A violation of any Federal, state, or local law that is punishable by any term of incarceration must be reported immediately to the Court. In making a recommendation regarding the issuance of a warrant, the PO must consider the risk posed by the new offense behavior. If it appears that the violation represents a significant threat to community safety or signals a risk of flight, the PO should recommend the issuance of a warrant. The PO must not wait for a conviction or final disposition to report the violation, but must submit dispositional information as soon as it becomes available. Revocation may be pursued even if a new conviction does not ensue, but it is essential that the criminal behavior be fully documented and that the standard of proof required by the Court be met.

MANDATORY REVOCATION OF PROBATION

POSSESSION OF A FIREARM

Probation should be revoked if after a hearing the Court finds that a probationer had been in possession of a firearm. Upon revocation, the Court may impose any sentence that was available at the time of the initial sentence. The provision applies to all offenders placed on probation that have a special condition prohibiting possession of a firearm.

POSSESSION OF A CONTROLLED SUBSTANCE

If violated, revocation is mandatory. Probationers revoked under these provisions should be sentenced to not less than one-third of their original sentence, and revoked supervised releases should serve one-third of the term of supervised release in jail.

MODIFICATION OF THE CONDITIONS OF SUPERVISION

Modification can occur through consent of the probationer or as the result of a hearing before the Court. A hearing and assistance of counsel are required unless the offender gives an informed consent to modification or waiver of his or her right to a hearing.

REVOCATION PROCEDURES

If there is probable cause to believe that a person under supervision has violated a condition, the Probation Officer's report may result in the issuance of a warrant for the arrest of a probationer or a supervised offender.

REVOCATION OF PROBATION

The PO must identify the conditions of supervision, which has allegedly been violated and include a complete and concise statement of facts. This will enable the offender and his or her counsel to prepare a defense. If the alleged violation is for a criminal conviction, the PO should report the disposition. The petition may contain a request that the Court either issue a warrant for arrest or a summons for appearance before the Court. Prior to requesting issuance of an arrest warrant, the PO is required fully to investigate and to document the violation(s). A collateral and simultaneous assessment of the seriousness of the violation(s) should also occur.

PROCEDURES FOR A PRELIMINARY HEARING REQUIRE:

1. A prompt hearing before a judge;
2. Notice to the person of the preliminary hearing and its purpose and of the alleged violation;
3. An opportunity for the person to appear at the hearing and present evidence in his or her behalf;
4. An opportunity, upon request, for the person to question witnesses against him or her unless there are no witnesses;
5. Notice of the person's right to be represented by counsel at their own expense; and
6. That the preliminary hearings be on the record.

If probable cause is found to exist, the person is either held for a revocation hearing, or may be released pending a hearing.

Revocation Hearing procedures for the revocation hearing require that the hearing must be held within a reasonable period of time and that the person shall be given:

1. Written notice of the alleged violation of supervision;
2. Disclosure of evidence against the person;
3. An opportunity to appear and present evidence;
4. The opportunity to question adverse witnesses; and
5. Notice of the right to be represented by counsel at his or her own expense.

The hearing is not formal, and the rules of evidence need not apply. He or she is further required to submit to the Sentencing Judge such reports as are requested. If the offender's probation is revoked, the judge has the same sentencing options as the original charge. If defendants were found not to have violated probation, the probation would be continued, modified, or terminated at the Court's discretion. Some Tribal Courts require the offender to serve additional penalties for revocation.

APPEALS / GRIEVANCES

DATE: _____

TO: _____

FROM: _____

As a Client assigned to the Kickapoo Probation Office, you have the right to appeal or file a grievance on any decision, action, policy, or regulations of this agency as it applies to you. Your written appeal/grievance will be examined by the Director. If requested, the Director may interview you. If you need assistance in writing your appeal/grievance, the staff will assist you. In all cases, the decision of the Director will be final.

1. Please explain, using this paper, the exact nature of your appeal/grievance. Be as specific as possible.
2. Please explain what action you desire. Again, be specific.

SANCTIONS

Progressive sanctions and incentives are appropriately applied in response to program failure and success, and are applied incrementally to move the participant into compliance with their Court ordered terms and conditions of the assignment order.

There are immediate and direct consequences for all conduct. Sanctions follow violations and are applied as close to the time of failure as possible. This calls for frequent Court hearings to monitor the offender and meet out sanctions.

The following are examples of sanctions which may be placed on a participant in the event of any rule violation. This full range of sanctions is a continuum from the least punitive to most punitive.

1. Make up scheduled appointments (Probation, Treatment, Court, etc.).
2. Refer offenders assigned to Probation to community and government agencies that can assist with substance abuse and mental health counseling.
3. Increased counseling requirements, when appropriate.
4. Completion of additional assignments.
5. Review of relevant program steps.
6. Start over in program requirements.
7. Increased urine drug/alcohol screen collection.
8. Increased Court appearances, i.e. Sanction hearings.
9. Fines, community service, etc.
10. Placement in a residential treatment facility.
11. Revocation of signature bond or bench warrant for arrest.
12. Incarceration.
13. Program failure resulting in appropriate action, i.e. jail or prison term, etc.

Remember, you are in control of your Court ordered assignments. You will determine if you will be sanctioned or not. When you successfully complete your assignments, it's because of your determination and dedication to yourself. When you miss an assignment or violate your assignment, it's because of you.

KICKAPOO NATION TRIBAL DISTRICT COURT
PROBATION OFFICE

822 K-20 Highway, Suite E * Horton, Kansas 66439
Phone: 785/486-2662, ext. 226 * Fax: 785/486-3607

NAME: _____

TREATMENT PLANNNER

DATE OF EVAL.	PROGRAM / FACILITY	COUNSELOR	PHONE		
TYPE OF SERVICES RECOMMENDED		NAME OF SPONSOR	PHONE		
COUNSELING			AA / NA		
DATE	LOCATION	Counselor's INT	DATE	LOCATION	Leader's INT

List any change of status (residence, employment, medical, school, legal) _____

I, _____, do hereby certify that the above information is accurate.

Client Signature *Date*

PAYMENT PROCEDURES

To ensure that your payment gets to the correct place and that you get credit for making your payments, please follow these instructions:



Paying by mail:

1. Only money orders, cashier's checks, or certified checks will be accepted.
2. Make checks payable to: Kickapoo Nation Tribal District Court.
3. Put your name as it appears on the Disposition/Court Order and your case number(s) on your payment.
4. Mail to: Kickapoo Nation Tribal District Court
822 K-20 Highway, Suite E
Horton, KS 66439



Paying in Person:

1. Cash, money orders, or certified checks will be accepted.
2. Pay at: Kickapoo Nation Tribal District Court

A receipt will be given when making a payment in person or upon request when a self-addressed, stamped envelope is enclosed when mailing your payment.

PAYMENT OF RESTITUTION:

The payment of restitution is the same as the procedures of paying fines.

The offender's liability to pay a fine does not expire until 20 years after the judgment has been entered. Ongoing verification of payments is necessary to determine when a fine becomes delinquent or in default.

A. A fine is DELINQUENT when a payment is more than 30 days late.

A fine is in DEFAULT when there has been no payment for 4 months or the amount in arrears exceeds four monthly payments.

PAYMENT HISTORY

BEGINNING BALANCE:	\$	TOTAL FINES ACCURED:	\$	TOTAL PAID:	\$
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[illegible]

Fines Accrued

[illegible]

DRUG / ALCOHOL SCREENING

Drug and alcohol screening is a regular part of the Kickapoo Nation Tribal District Court Drug/Alcohol Screening program. All participants will be required to submit to random Drug/Alcohol testing or as directed by the Court, Prosecuting Attorney, Probation Officer or any Law Enforcement Officer. This section outlines the rules and procedures concerning drug and alcohol collection and testing which must be followed throughout a defendant's time in the program. The following policy includes precautions which ensure the integrity of the collection procedure and urine specimen; it also addresses consequences and sanctions resulting from positive screens.

1. All participants will be observed by a staff member of the same gender while producing a sample.
2. The donor will remove all unnecessary garments (jackets, purses, etc.) and secure them before entering the collection site.
3. All participants are required to empty all pockets before entering the collection site.
4. Attend all appointments on time. The Defendant will obtain permission from the Probation Officer to re-schedule appointments prior to the time of the scheduled meeting. Failure to contact the Probation Officer prior to the scheduled appointment time will be considered an unexcused absence.
5. All participants must be prepared to produce a sample within two (2) hours upon request. Failure to do so will be considered stalling. Once the participant arrives at the Probation Office and/or is requested to submit a sample, he/she may not leave the facility for any reason, nor shall he/she consume any liquids or solids without first submitting a sample.
6. A failure to appear, unexcused absence, failure to give drug/alcohol sample, stalling or any adulteration will be considered as a use or a **"DIRTY"**.
7. A **"DIRTY"** is defined as a PBT test result of .015 or greater. If a PBT reading indicates a use, the Defendant will be observed for 15 minutes making sure that nothing is in his/her mouth and another PBT will be given.
8. Any positive drug screen results in an automatic \$20.00 dollar charge for the participant.
9. Confirmation procedures for a positive urine screening costs \$30.00 per test. If the Defendant admits to drug use following a positive screening, a confirmation test is not required. If the Defendant denies drug use, and a confirmation test is done with a positive result, the Defendant must pay the \$30.00 per test. If the confirmation test has a negative result, the Tribal District Court will assume the cost of the test. The Probation Officer may require the \$30.00 per test payment in advance from the Defendant for the confirmation test. If the result is negative, the cost will be refunded to the Defendant. A refusal to pay the confirmation fee will be considered a positive urine specimen. A maximum of one week will be permitted for payment/collection of this fee from the date of notification to the Defendant.

Defendant's Signature

Date

Witness

Date

WAIVER OF LIABILITY AND DAMAGES

ALL COMMUNITY SERVICE WORK MUST BE APPROVED BY COURT SERVICES **BEFORE** THE WORK CAN BEGIN OR ANY JOB STARTED, SO THAT THE PERSON ON PROBATION CAN GET FULL CREDIT FOR ALL HOURS COMPLETED. ALSO COURT SERVICES **MUST** HAVE ON FILE A WAIVER OF LIABILITY. IF YOU ARE UNDER AGE AND NEED TO CONDUCT COMMUNITY SERVICE, YOU WILL NEED TO HAVE YOUR PARENT OR LEGAL GUARDIAN SIGN THE WAIVER.

Name: _____ Telephone: _____

Address: _____ City: _____ State: _____

I, _____, of legal age and do hereby voluntarily indemnify and hold harmless the Kickapoo Tribe, Tribal Agents and Employees, and _____, from any and all liability, and/or damages incurred by me or against my person or property, arising from any cause or for whatever reason, during the period of time I am conducting Community Service.

Dated this _____ day of _____, 20____.

Participant's Signature *Date*

Parent / Legal Guardian *Date*

Probation / Supervision Officer *Date*

Other Witness *Date*

COMMUNITY SERVICE WORKING AGREEMENT

Name: _____ Telephone: _____

Address: _____ City: _____ State: _____

I, _____, do hereby agree to perform Community Service hours as ordered by the Court and if I fail to complete all the hours imposed I may not receive credit for any hours completed.

YES NO

- | | | | |
|----|--|-------|-------|
| 1. | Do you have transportation to get to your Community Service project? | _____ | _____ |
| 2. | Do you have any family problems that will prevent you from performing your Community Service hours? | _____ | _____ |
| 3. | Are you currently under a doctor's care? | _____ | _____ |
| 4. | Are you required to take medication? | _____ | _____ |
| 5. | Are you limited to the amount of weight you can lift? | _____ | _____ |
| 6. | Do you have a past condition or injury that would prevent you from performing your Community Service hours? | _____ | _____ |
| 7. | Do you understand you must not be under the influence of drugs or alcohol when reporting or conducting Community Service work? | _____ | _____ |

Participant's signature

Date

Probation/Supervision Officer

Date

NOTES:

COMMUNITY SERVICE WORKING HOURS

[illegible]

I certify that the above information is true and correct: _____ Date: _____

Community Service Hours verified by: _____ Date: _____

AUTHORIZATION FOR RELEASE OF INFORMATION

Name (*Please print*) _____ DOB _____ SSN _____

authorize Kickapoo Nation Tribal District Court to:

☐ Provide to ☐ Receive from

FACULTY/PERSON: _____

ADDRESS: _____

Information to be sent: (*mark all that apply*)

<input type="checkbox"/> History & physical	<input type="checkbox"/> Criminal history
<input type="checkbox"/> Psychological reports	<input type="checkbox"/> Treatment summaries
<input type="checkbox"/> Substance abuse evaluations	<input type="checkbox"/> Written & verbal progress reports
<input type="checkbox"/> Other (<i>specify</i>) _____	

To be used for the purpose of:

<input type="checkbox"/> Evaluation and treatment	<input type="checkbox"/> Court proceedings
<input type="checkbox"/> Follow-up	<input type="checkbox"/> Other (<i>specify</i>) _____

"This information has been disclosed to/from records whose confidentiality is protected by federal law. Federal regulations (*42CFRpart2*) prohibit you from making any further disclosures of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by such regulations. A general authorization for the release of Medical or other information is not sufficient for this purpose."

This authorization to release information will be effective for one (6) months after your probation order is terminated. You may terminate this authorization, however, at any time except to the extent that the program or person which is to make the disclosure has already acted in reliance upon it. If a shorter period is desired, please specify _____.

I hereby release the Kickapoo Nation Tribal District Court and its staff from all legal liability that might arise from the release of the information requested. I consider a photocopy of this authorization to be as valid as the original.

Signature of client *Date*

Parent / Legal guardian *Date*

Signature of witness *Date*

Signature of witness *Date*

SCHEDULED APPOINTMENTS

NAME OF DEFENDANT	DATE OF BIRTH	CASE NUMBER	PROBATION TERM	TERMINATION DATE

[illegible]

FIREARM RESTRICTIONS

If you have been convicted of a felony in the State of Kansas there are certain Kansas and federal laws that forbid you from having a firearm. CONSULT YOUR LAWYER FOR ANY QUESTIONS REGARDING SUCH LIMITATIONS.

1. Under Kansas law, you may not have ANY firearm if you were convicted of a person felony or a drug crime and were in the possession of a gun at the time of the crime.
2. Under Kansas law, you may not have ANY firearm for 10 years after the date you were convicted or 10 years after the date you were released from prison if you have been convicted of any of the following crimes:

- | | | |
|--|--|--|
| <input type="checkbox"/> 1 st Degree Murder | <input type="checkbox"/> 2 nd Degree Murder | <input type="checkbox"/> Involuntary or Voluntary Manslaughter |
| <input type="checkbox"/> Kidnapping | <input type="checkbox"/> Aggravated Assault | <input type="checkbox"/> Aggravated Assault on a L.E.O. |
| <input type="checkbox"/> Aggravated Kidnapping | <input type="checkbox"/> Aggravated Battery | <input type="checkbox"/> Aggravated Battery on a L.E.O. |
| <input type="checkbox"/> Criminal/Terroristic Threat | <input type="checkbox"/> Aggravated Robbery | <input type="checkbox"/> Aggravated Sexual Battery |
| <input type="checkbox"/> Aggravated Battery | | |
| <input type="checkbox"/> Felony crimes of possession, use, distribution, cultivation, or sale of depressants, stimulants, hallucinogenic drugs or other substances defined as being illegal. | | |
| <input type="checkbox"/> A Non-Person felony and was found to have been in possession of a firearm at the time of the commission of the offense. | | |

These rules do not apply if your conviction has been set aside or you have been pardoned by the Governor of the State of Kansas.

3. Under Kansas law, you may not have ANY firearm for 5 years after the date that you were convicted or 5 years after your release from prison if you have been convicted of any other felony not listed in the Section 2 above.
4. Under Federal law, if you have been convicted of ANY FELONY, you are not allowed to possess, ship, transport, or receive ANY firearms and/or ammunition. Under federal law (18 U.S.C. 925) you may apply to the United States Secretary of the Treasury for relief from the rules required by federal law. These forms can be obtained from:

Bureau of Alcohol, Tobacco & Firearms
115 North Market, Suite 450
Wichita, Kansas 67202
Telephone # (316) 263-3202

You may also apply to the President of the United States for a pardon.

5. If you have been convicted of a felony in a different state, your right to have a firearm may also be forbidden by the laws of that state.

LAWS THAT APPLY

State Law:	Criminal Possession of a Firearm, K.S.A. 21-4204
Federal Law:	18 U.S.C. 922(g); 18 U.S.C. 922 (a)(20); and 18 U.S.C. 925.

I have read or had this form read to me and understand what it says about my criminal liability for possession of a firearm.

Defendant's Signature

Case #

Probation / Supervision Officer

Date